

In the United States Court of Federal Claims
OFFICE OF SPECIAL MASTERS
No. 21-1228V

SAVANNAH SHARPE,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: July 3, 2024

*Timothy William O'Hara, Marvin Firestone MD, JD & Associates, LLP, San Mateo, CA,
for Petitioner.*

Madelyn Weeks, U.S. Department of Justice, Washington, DC, for Respondent.

RULING ON ENTITLEMENT¹

On April 16, 2021, Savannah Sharpe filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*² (the "Vaccine Act"). Petitioner alleges that she suffered a shoulder injury relate to vaccine administration ("SIRVA") following a tetanus vaccination she received on July 16, 2019. Petition at 1. Petitioner further alleges that her symptoms have persisted for more than six months. Petition at ¶ 18. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On June 26, 2024, Respondent filed his Amended Rule 4(c) report in which he states that he does not contest that, based on my Findings of Fact and Conclusions of

¹ Because this Ruling contains a reasoned explanation for the action taken in this case, it must be made publicly accessible and will be posted on the United States Court of Federal Claims' website, and/or at <https://www.govinfo.gov/app/collection/uscourts/national/cofc>, in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2018) (Federal Management and Promotion of Electronic Government Services). **This means the Ruling will be available to anyone with access to the internet.** In accordance with Vaccine Rule 18(b), Petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, I agree that the identified material fits within this definition, I will redact such material from public access.

² National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all section references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2018).

law (ECF No. 32), Petitioner is entitled to compensation in this case. Respondent's Rule 4(c) Report at 1. Respondent states that "Petitioner suffered a SIRVA as defined by the Vaccine Injury Table. Specifically, Petitioner had no recent history of pain, inflammation, or dysfunction of her right shoulder; the onset of pain occurred within 48 hours after receipt of an intramuscular vaccination; the pain was limited to the shoulder in which the vaccine was administered; and no other condition or abnormality has been identified to explain Petitioner's left shoulder pain." *Id.* at 4-5. Respondent further agrees that "based on the record as it now stands and subject to his right to appeal the Findings of Fact, Respondent does not dispute that Petitioner has satisfied all legal prerequisites for compensation under the Act." *Id.* at 5.

In view of Respondent's position and the evidence of record, I find that Petitioner is entitled to compensation.

IT IS SO ORDERED.

s/Brian H. Corcoran

Brian H. Corcoran
Chief Special Master